

A PERSPECTIVE ON HOUSING POLICY
DEVELOPMENT IN THE ATLANTA REGION

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ABSTRACT

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A Perspective on Housing Policy Development in the Atlanta Region.

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The study is an analysis of the usefulness of Guidelines for the Development of Fair Housing Ordinances and Local Housing Code Programs in the Atlanta Region, Atlanta Regional Commission (ARC) staff working papers. The staff papers are evaluated to determine if they are contributing to the implementation of goals of ARC's Regional Housing Plan and to determine if they are influencing housing policy development in the Atlanta Region.

In order to ascertain and evaluate the usefulness of the staff papers, interviews were held with selected public officials on the local, state and regional levels. In addition, individuals who requested the documents from ARC's Housing Division were surveyed. The interviews and the survey findings along with other research on public policy development and implementation were the major sources of information for this study. Also presented is an analysis of the policy implications associated with the policy directions suggested in both

staff papers.

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I. Introduction

Guidelines for the Development of Local Fair Housing Ordinances and Local Housing Code Programs in the Atlanta Region are Atlanta Regional Commission (ARC) staff working papers developed by the writer while an intern in the Housing Division of the Human Services Planning Department at the Commission. The objectives of this study are to determine if Guidelines for the Development of Local Fair Housing Ordinances and Local Housing Code Programs in the Atlanta Region are contributing to the implementation of goals of ARC's Regional Housing Plan and if these documents are influencing housing policy development in the Atlanta Region.¹

Housing planning is an integral part of the planning activities at the Atlanta Regional Commission, the areawide planning and development commission for the Atlanta Region. Its inclusion is pursuant to the state statute which created the Commission (Georgia Laws, 1971, Act Number 5) and requirements of the U. S. Department of Housing and Urban Development (HUD) 701 Comprehensive Planning Assistance Program.² According to the Georgia statute, one of the purposes of ARC is to

¹The Atlanta Region is comprised of Clayton, Cobb, DeKalb, Douglas, Fulton, Gwinnett and Rockdale Counties.

²Atlanta Regional Commission, Regional Housing Plan, [1976], p.1., Citing the U.S. Housing Act of 1954, Section 701 (PL 83-560)

provide "policy direction for the solution of common [inter-jurisdictional] problems through short and long range comprehensive planning. . . ."³ The 701 requirements are more specific and as a 701 grant recipient, ARC must develop a housing plan in its work program which includes:

- Goals, objectives and evaluation criteria
- Policies
- Use of available data
- Housing needs analysis and plans for the distribution of housing resources
- Implementation and coordination programs
- A nondiscrimination, equal opportunity component
- A neighborhood preservation component⁴

The Federal and State guidelines delineated above are the impetus for ARC's housing planning activities. Guidelines for the Development of Local Fair Housing Ordinances and Local Housing Code Programs in the Atlanta Region are integral parts of these activities specifically developed to promote the goals of ARC's Regional Housing Plan.

In order to ascertain and evaluate the usefulness of the two reports in implementing the goals and influencing housing policy development, personal interviews were held with elected officials, city, state and regional planners and public administrators. The individuals interviewed either used one of the reports or was knowledgeable in an area pertinent to this study.

³Georgia Laws, 1971, Act Number 5, Section 2.

⁴Trudy McFall, Housing Planning: How to Meet HUD's 701 Requirements, (Chicago: American Society of Planning Officials, 1977), p.2. One of the purposes of McFall's guidelines is to provide technical assistance to those agencies which need it in order to meet 701 requirements. ARC has been and is currently using it in its planning efforts.

In addition to the interviews, an informal telephone survey was conducted to determine the purposes for which the reports were used.⁵ The survey sample was comprised of the individuals who requested the reports from ARC's Housing Division.⁶ The personal interviews and the survey together serve as means by which to meet the objectives of the study.

⁵ Reports prepared by ARC staff are announced monthly in the ARC ACTION newsletter. Parties interested in a given document may obtain it either from ARC's Information Office or from the department or division which prepared it.

⁶ A copy of the survey is found in Appendix A.

II. The Regional Housing Plan

ARC's Regional Housing Plan (RHP) is a comprehensive development guide for housing planning which serves as a guide for local governments in the region in planning for their present and future housing needs. In 1973, prior to the development of the RHP, representatives from ARC, Georgia State University and the University of Georgia sponsored a conference on regional housing policies at which time housing policy recommendations for the Atlanta Region were developed. The housing conference recommendations were added to those from the ARC Housing Resources Task Force.¹ On 27 June 1973, ARC adopted regional housing goals and objectives from these recommendations and from additional needs that were recognized by ARC staff. The Regional Housing Goals and Objectives as adopted by the Commission are:

I. Maximum housing choice and opportunity.

OBJECTIVE: Equal housing opportunity should be realized by all persons living in or migrating to the region.

¹The ARC Housing Resources Task Force was comprised of representatives from ARC citizens advisory councils interested in housing related issues. The task force was renamed the Regional Housing Task Force in 1976.

II. Adequate housing supply.

OBJECTIVE: The housing supply should be adequate to meet regional growth needs and offset regional housing deficiencies.

III. Preservation of existing housing stock within the region.

OBJECTIVE: The existing housing stock which meets acceptable standards within the region should be maintained and preserved.

IV. Availability of safe, sanitary housing.

OBJECTIVE: All housing construction, regardless of price range, should meet local, state, and national standards.

V. Physical environmental quality for new and existing residential development.

OBJECTIVE: Residential neighborhood deterioration should be prevented by providing for or protecting positive environmental factors.

VI. Enhance human life styles within residential areas.

OBJECTIVE: Provision should be made for the maintenance and protection of cultural, social and physical amenities which will promote and maintain residential stability and pride in existing and future neighborhoods.

VII. Alternative housing development for low-income persons.

OBJECTIVE: A broad range of housing types, designs and price levels should be available at both the metropolitan and local scales.

VIII. Home ownership.

OBJECTIVE: Mechanisms should be created or utilized to enable low, middle, and upper income residents to achieve home ownership.²

These goals and objectives represent points of view on the kind of housing desired in the region and how it is to be achieved. In 1976, based on the adopted [Regional Housing] goals and objectives, continuing and formalized citizen participation, responses to surveys conducted by ARC in conjunction with other planning activities and plans adopted in other functional areas such as water, sewer, transportation, land use and the environment, the Atlanta Regional Commission adopted its Regional Housing Plan.³

The adopted Regional Housing Goals and Objectives are the official goals of the RHP and alongside them are specific statements of directions to be followed by local governments in order to attain them. The directional statements include policies, strategies for implementation of the policies and suggested design criteria for use where appropriate. The policies are of several types: 1) policies which ARC can use in its advisory role to local governments and others; 2) policies which local governments can implement; and 3) policies which should be reflected in every appropriate governmental action in the Atlanta Region.⁴

A major portion of the Housing Planning Division's work

²Atlanta Regional Commission, Regional Housing Plan, [1976], pp. 129-30.

³Ibid., p.1. ⁴Ibid., p.2.

program involves projects which offer local governments the opportunity to develop policies which, when implemented promote the goals of the RHP. An example of such a work program component is the staff working paper, a planning tool designed to address a specific concern after research and inventory has shown a need for assistance in the given area. While staff working papers are developed to address a particular area of concern in the region, it is also their objective to serve as vehicles to address the goals, policies and strategies of the RHP. The two staff working papers prepared in the Housing Division as part of its 1978 work program demonstrate specifically how staff papers may serve as means to aid in developing policies to address prevalent housing concerns in the region and the goals of the RHP.

Guidelines for the Development of Local Fair Housing Ordinances, published in April 1978, directly addresses the RHP's goal to promote maximum housing choice and opportunity throughout the region. It is a planning document which offers guidelines to be considered by local governments in the Atlanta Region in the development of local fair housing ordinances.⁵ The guidelines furnish the jurisdictions in the region with specific directional statements to follow in developing housing

⁵Atlanta Regional Commission, Guidelines for the Development of Local Fair Housing Ordinances, [1978], p.1. Fair housing ordinances are laws which forbid a real estate broker, lessor, owner or financial agency from discriminating in the rental, sale or financing of property based on race, sex, color, religion or national origin.

ordinances whose policies are consistent with the Federal Fair Housing Act of 1968 (Title VIII of the Civil Rights Act of 1968) and a means to prevent and correct discriminatory housing practices on the local level.⁶ Even though the Federal Housing Act provides, within constitutional limitations, for fair housing throughout the United States, Section 3610(c) of the Act stipulates that local ordinances supersede the use of the federal statute if the ordinances are substantially equivalent to the 1968 Federal Act.⁷

In putting forth the statements of direction for developing local ordinances, the guidelines include a listing of characteristics whose inclusion in the ordinances is essential for their effectiveness. The list below highlights several of those characteristics. The ordinances should:

- 1) Prohibit any discriminatory housing practices by property owners, financial institutions, insurance companies, real estate brokers, real estate salespersons or any agent representing the above;
- 2) Include enforcement mechanisms to administer the laws;
- 3) Clearly define unlawful practices; and
- 4) Delineate acts which protection is provided

⁶The 1968 Act prohibits discrimination in the sale or rental of most housing because of race, color, religion, sex or national origin throughout the United States.

⁷Civil Rights Act of 1968, Title VIII, U.S. Code, vol. 42, Sec. 3601 (1968). The U.S. Department of Housing and Urban Development (HUD) administers the Federal Act and reviews local and state ordinances to determine if they are substantially equivalent to it. HUD's criteria for rating the ordinances is found in Appendix B.

against if committed because of a person's race, sex, color, religion or national origin.⁸

Because they are locally enforced and cases can be handled expeditiously without being handled by state or federal authorities, local ordinances may be used to effectively address the needs of their jurisdictions, as well as, meet federal regulations. Norcross, Georgia's Mayor, Lillian Webb, whose city was one of the first in the Atlanta Region to adopt a fair housing ordinance, noted in an interview that, "local ordinances provide for a more efficient [than state or federal authorities] handling of cases by parties who have vested interests in eliminating discriminatory practices because they too are a part of the community."⁹

Besides providing a vehicle to address fair housing needs on a local level, jurisdictions which develop, adopt and enforce local ordinances receive twenty bonus points on any application filed for Community Development Block Grant (CDBG) monies either through the Small Cities/Discretionary Program or Single Purpose Grant Fund.¹⁰ Twenty bonus points, on applications for

⁸Atlanta Regional Commission, Guidelines for the Development of Local Fair Housing Ordinances, pp. 5-9. See Appendix C for the complete listing of the guidelines for the development of effective local fair housing ordinances.

⁹Interview with Lillian Webb, Atlanta Regional Commission, Atlanta, Georgia, 14 February 1979.

¹⁰The CDBG program is a 100 percent federal grant program for local governments to undertake portions of a community development program. A portion of the funds is allocated according to a national population and poverty formula and the rest is allocated through a competitive application process. The Small Cities/Discretionary and Single Purpose Grant funds are allocated through the competitive process.

funds being sought by many jurisdictions, serve as a strong incentive for local governments to develop fair housing policies. HUD's rationale for awarding the bonus points is to encourage local governments to adopt and enforce policies on a local level that are in agreement with its national policies.¹¹

Since the CDBG applications are funded according to their numerical rating and a predetermined amount of money is available in a given program year, local fair housing ordinances become invaluable instruments. Consequently, not only is Guidelines for the Development of Local Fair Housing Ordinances an indispensable aid for developing local fair housing policies in agreement with regional and national policies and goals, it also provides jurisdictions with means by which to increase their chances to obtain community development funds.

As in Guidelines for the Development of Local Fair Housing Ordinances, goals of the RHP are addressed in Local Housing Code Programs in the Atlanta Region (hereafter referred to as Local Housing Code Programs). The preservation of the existing housing stock within the Atlanta Region and the availability of safe and sanitary housing in the region are the two goals of the RHP addressed in Local Housing Code Programs. The report, published in October 1978, examines one of the RHP's suggested policy recommendations - local housing codes - to determine how housing codes are being used in the region to

¹¹Interview with Emerson Bryan, Atlanta Regional Commission, Atlanta, Georgia, 7 February 1979.

further the aforementioned goals.¹² Local Housing Code Programs presents the findings of an inventory taken of the jurisdictions in the Atlanta Region to determine which of them have housing code programs and to ascertain the specifics of the programs if they exist.¹³ Areas covered in the survey include inspection procedures, staffing, program compliance methods and special assistance programs. In addition, the report offers suggestions for local governments, as well as, the state government to consider in developing or revising their housing codes and accompanying code enforcement processes.

The housing code survey findings revealed that in the Atlanta Region, twenty jurisdictions have housing codes which may be used as aids in neighborhood preservation and insuring safe and sanitary housing for the region's residents. For the jurisdictions with housing codes, Local Housing Code Programs offers suggestions for refinement, while it presents to the thirty-three jurisdictions, without housing codes, a scheme to be followed in the development of effective, sensitive housing code programs.

Local Housing Code Programs also furnishes a monitoring device for ARC staff to ascertain specifically what jurisdictions are doing in terms of housing preservation and making

¹²Housing codes are regulations designed to insure safe and healthful conditions for the occupants in buildings, structures and on premises by establishing standards and providing for the abatement of nuisances. Atlanta Regional Commission, Local Housing Code Programs in the Atlanta Region, [1978], p.1.

¹³*Ibid.*, p.2. A copy of the housing code survey is found in Appendix D.

available safe and sanitary housing. The monitoring is useful for future planning efforts in ARC's housing division and it, at the same time, provides input for the 701 progress report. The 701 progress report, required every three years, is a monitoring device whose purpose is to determine what kind of housing programs are in process in the jurisdictions covered by planning agencies which receive 701 funds. In addition, it determines if 701 grantees are fulfilling requirements set forth by HUD.

Local Housing Code Programs is an excellent example of technical assistance available to local governments in the Atlanta Region who have a need to either develop or refine a housing code program. Its presentation of the regional efforts in housing code enforcement not only makes the report valuable as a monitoring device, but it may serve as an incentive to jurisdictions without housing code programs to join the ranks of those with them.

III. Descriptive Analysis of
Guidelines for the Development of Local Fair
Housing Ordinances and Local Housing
Code Programs in the
Atlanta Region

Guidelines for the Development of Local Fair Housing Ordinances was developed as part of ARC's efforts to promote the elimination of discriminatory housing practices based on race, color, religion, sex or national origin. HUD 701 guidelines, as well as the goals of the Regional Housing Plan (RHP) dictate the initiation of work program activities which will promote equal housing opportunity. In addition, there were several requests made to the Housing Division from local governments and Regional Housing Task Force (RHTF) members for aid in developing policies to combat fair housing problems on the local level. Robert Willis, Director of the Fair Housing and Equal Opportunity Division of the Atlanta Area HUD office, gave a presentation at the February 1978 RHTF meeting and indicated that approximately fifty to sixty housing discrimination complaints are received annually for the seven-county Atlanta Region. The number of complaints cited in Mr. Willis' presentation reinforced the task force's belief that there is a need for means to address fair housing concerns on the local level. At the same meeting, the RHTF formally recommended that the Housing Division develop such a means, consequently the guidelines were developed.

Research done in preparation of the guidelines included a careful study of the Federal Housing Law, Georgia Fair Housing Law of 1978 (Georgia Laws, 1978, Act Number 1281) and local ordinances from throughout the United States. A review of the ordinances revealed that in order for a fair housing ordinance to be effective, both preventive and corrective measures must be included. Preventive measures will eliminate or substantially decrease the necessity to involve legal actions in order to provide equal housing for individuals regardless of race, color, religion, national origin or sex. Corrective measures will serve to rectify any discriminatory acts that have taken place and are brought to the attention of appropriate officials. The guidelines developed reflect both preventive and corrective measures which may be used in the development of effective local fair housing ordinances. Besides the review of local and state ordinances, rated substantially equivalent to the 1968 Federal Housing Law, an invaluable resource used in the development of the guidelines is an information sheet prepared by the National Association for the Advancement of Colored People (NAACP). "State and Local Fair Housing Ordinances," NAACP's fact sheet, states in its introduction that the major purpose of any fair housing law developed should be to insure meaningful protection against unfair housing practices.¹ The NAACP fact sheet sets forth clear guidelines and objectives which concentrate on both preventive and corrective measures, for

¹National Association for the Advancement of Colored People, "State and Local Fair Housing Ordinances," New York, n.d., (Mimeographed), p.1.

consideration in the development of effective ordinances. The NAACP's suggested objectives and guidelines and sample local, federal and state fair housing legislation served as models to follow in developing the guidelines for the Atlanta Region governments. In addition, the rules and regulations from the Federal Register (42 F.R. 63424 12-16-77) regarding the criteria for rating laws substantially equivalent to the 1968 Federal Housing Law provided significant information for the staff paper. The regulations delineate the specifics needed in local ordinances so that they are at least as effective as the national law. Collectively these sources contributed to development of a means to promote fair housing policy development in the Atlanta Region.

Norcross, Georgia is an example of one jurisdiction in the Atlanta Region which has utilized the technical assistance offered in the guidelines. In an interview with Norcross Mayor, Lillian Webb, the Mayor indicated that the report along with the Federal Housing Law [of 1968] was instrumental in Norcross' development and subsequent adoption of its local fair housing ordinance. According to Mayor Webb, the guidelines' listing of specific items needed for an effective ordinance provided Norcross with a manageable review list once the ordinance was drawn up by Wise and Associates, a community development consultant firm.² Using the guidelines as a checklist provided the Mayor and Council with a means to determine whether the

²Interview with Lillian Webb, 14 February 1979.

ordinances was at least in accordance with federal fair housing standards.

Norcross' adoption of its fair housing ordinance indicates an effort to align its policies with national efforts to provide for equal housing opportunity. Additionally, it supports the regional goal to promote equal housing accessibility and opportunity for all people in the Atlanta Region. Norcross' policy that no person shall be discriminated against in the sale or rental of most housing on the basis of race, sex, age, religion or national origin has no implementive activities in process and to date has not been tested for effectiveness. Mayor Webb indicated, however, that the adoption of such a policy is Norcross' way of being prepared to handle complaints on a one-to-one basis locally rather than going into federal or state litigation.³

Another example of the usage of the guidelines is its distribution by the Georgia Department of Community Affairs to the Chattahoochee Flint Area Planning and Development Commission and Carrollton, Georgia. The guidelines, along with sample ordinances acquired from ARC, have been used as prototypes for the development of local ordinances outside the Atlanta Region.⁴ This usage of the guidelines outside the region represents an excellent example of interregional cooperation to address common goals and objectives.

³Ibid.

⁴Interview with Lee Flournoy, Georgia Office of Housing, Atlanta, Georgia, 23 January 1979.

As a focal point for an analysis of the use of Guidelines for the Development of Local Fair Housing Ordinances to promote equal housing accessibility, a survey was taken on the use of the four adopted ordinances in the Atlanta Region. The survey of the cities of Norcross, Lithonia, Conyers and Rockdale County revealed that very little publicity has been given to the ordinances and no complaints have been filed. The most common means of informing residents about the ordinances' existence has been a single article in each of their local newspapers. Coverage of the adoption of Norcross' ordinance was carried in the ARC Action newsletter with mention of the other ordinances, but Action's circulation is limited to local government officials throughout the region and individuals on the ARC's mailing list. Each of the jurisdictions has delegated the enforcement powers of the ordinances to an existing unit of the government. The jurisdictions have neglected, however, to develop programs and activities through which the policies may be implemented and have not provided an evaluation mechanism.⁵

Adoption of fair housing policies provides the legal framework needed to initiate programs and activities capable of implementing fair housing goals. With careful planning of meaningful programs and activities, chances for equal housing opportunity and accessibility are optimal.⁶

⁵An informal telephone survey of the four jurisdictions was taken to obtain specific information about their fair housing policies on 21 February 1979.

⁶McFall, Housing Planning: How to Meet HUD's 701 Requirements, p.17.

The following multifaceted programs and activities, if implemented by local jurisdictions, are among those which will specifically address fair housing needs.

- Review zoning ordinances for possible discriminatory provisions (such as exclusionary zoning or limitations on multifamily housing) and, if they exist, revise zoning ordinances.
- Develop affirmative marketing programs. [Voluntary agreements which provide that local realtors include an equal opportunity slogan or logo in large classified ads, put it in their brochures, post signs in their offices, train sales agents about fair housing policies and make prospective buyers aware of the full range of houses available to buy in their price range.]
- Develop housing relocation, locator services, or other programs to increase minority and low-income persons' awareness of housing options.
- Monitor subsidized [housing and community development] projects to ensure compliance with affirmative marketing plans.
- Develop training programs for minority real estate brokers.
- Develop training programs for human rights commissioners on housing discrimination.
- Develop public information programs to promote knowledge of fair housing laws.⁷

The programs and activities cited above may be used individually or collectively in the implementation of fair housing policies. These program examples demonstrate the importance of carrying the policy process from the adoption to the implementation stage in order to increase the chances for optimum results. Once provisions are made for the policy implementation, policy

⁷Ibid.

evaluation is needed to determine the effectiveness and impact of the policies and to determine if any revisions are necessary.⁸ Guidelines for the Development of Local Fair Housing Ordinances is therefore the beginning of a process which in totality has the potential to promote equal housing opportunity and accessibility in the Atlanta Region.

HUD 701 guidelines require that areawide planning agencies which receive 701 funds provide broad neighborhood preservation strategies and recommendations for actions by local and state governments, as well as, technical assistance in the area.⁹ In accordance with those requirements, housing codes are suggested in the Regional Housing Plan as a strategy for neighborhood preservation and Local Housing Code Programs serves as a monitoring device -- jurisdictions in the region were surveyed to determine the extent to which housing codes are being used as aids in neighborhood preservation. The data collected in the survey will serve as input for a 1980 701 grantee progress report and future planning efforts at ARC.¹⁰

The housing code survey was developed and mailed to the appropriate officials in the fifty-three jurisdictions in the Atlanta Region. Responses were received, through the mail and telephone conversations, from each jurisdiction. As mentioned

⁸James Anderson, Public Policy Making, (New York: Praeger Publishers, 1975), p.132.

⁹McFall, Housing Planning: How to Meet HUD's 701 Requirements, p.17.

¹⁰Interview with Emerson Bryan, 7 February 1979.

earlier, the major areas addressed in the survey were inspection procedures, staffing, program compliance methods and special assistance programs. The survey's findings indicated that, in the twenty jurisdictions with codes, there are variances in each area examined. These variances are specifically addressed in Local Housing Code Programs, thereby ARC, local governments and the state government are able to assess what is being done in the region and what the future needs are in housing code enforcement. In this effort, tables are presented to show the focuses and perspectives of each of the existing code programs and of special assistance programs offered as part of the code enforcement programs.¹¹

Information generated through the code questionnaire, personal interviews and a review of related literature indicates that there is the desire among housing professionals, citizens and elected officials to establish and maintain sensitive and effective housing code enforcement programs in the region. In order to determine their priorities in improving the housing code programs, the questionnaire respondents were asked to rank the two most important recommendations from the following list.

1. Increased funding
2. Additional staffing
3. Citizen input
4. More assistance from courts
5. More public official support¹²

¹¹The tables of the housing code program information are found in Appendix E.

¹²Atlanta Regional Commission, Local Housing Code Programs, p.12.

Increasing funding and providing additional staff were ranked one and two respectively in the priority ranking. In personal interviews, the questionnaire respondents and other housing professionals offered suggestions for specific improvements in the ranked areas.¹³ Their suggestions result from direct involvement in code or other housing programs and may serve as valuable input for the development or refinement of codes. One of the purposes of the report is to provide such assistance to local governments.

In addition to the housing professionals recommendations, others developed from the research conducted are offered in the report. These recommendations include suggestions in the areas of inspection techniques, energy saving devices, compliance procedures, staff training and development, intergovernmental cooperation and special assistance programs. The specificity of the recommendations makes them invaluable tools in developing or refining policies which will aid in preserving the existing housing stock and in making safe and sanitary housing available throughout the Atlanta Region. The recommendations reflect the current trend for housing code programs to emphasize sensitivity and flexibility rather than the traditional punitive approach.¹⁴

¹³The housing code officials' recommendations are found in Appendix E.

¹⁴Roger Ahlbrandt, Jr., Flexible Code Enforcement: A Key Ingredient in Neighborhood Preservation Programming, (Washington: National Association of Housing and Redevelopment Officials, 1976), p.1.

In a November 10, 1978 letter to ARC, Atlanta City Councilmember, Debbie McCarty, chairperson of a Temporary Housing Code Commission, asked for suggestions for improvement of Atlanta's Housing Code.¹⁵ Councilmember McCarty's letter delineated the following four areas of the Commission's interest:

1. The use of the City's Housing Code . . . to address specific areas of urban blight.
2. Determining if there is leeway in the Code to require repairs only for health and safety as opposed to cosmetic reasons.
3. Determining whether enforcement efforts should vary according to whether a property is owner-occupied or is rental property.
4. The use of the City's Housing Code as a specific tool in housing rehabilitation efforts.¹⁶

In response to Councilmember McCarty's request, a copy of Local Housing Code Programs was forwarded to her with recommendations pertinent to the Commission's interest areas denoted. Tom Bauer, a City Council staff member, indicated that Local Housing Code Programs may possibly be used as a resource document once the actual code revision begins.¹⁷ Presently, the Temporary Housing Code Commission's activities are focused on

¹⁵ Mayor Maynard Jackson, at the direction of the Atlanta City Council, appointed a Temporary Housing Code Commission in October 1978. Its purpose is to review in detail and make recommendations to revise Atlanta's current Housing Code.

¹⁶ Debbie McCarty, Atlanta City Councilmember, Letter to ARC staff, Atlanta, 10 November 1978, ARC Housing Files.

¹⁷ Interview with Tom Bauer, Atlanta City Council Office, Atlanta, Georgia, 25 January 1979.

investigating the City's existing housing policies in areas related to housing code enforcement and seeking federal funds for a pilot program which would provide housing code staff to serve in a public relations capacity. The Commission is also investigating the feasibility of hiring more housing code inspectors.¹⁸ These three areas are among those addressed in Local Housing Code Programs, but the Commission, because of the extensive housing background of its members, did not need to use the report in its initial efforts.¹⁹ The commonality of the subject matter, however, indicates that Local Housing Code Programs is potentially a valuable aid for jurisdictions without a committee such as the Temporary Housing Code Commission, in developing innovative code programs.

Local Housing Code Programs is used as a monitoring device for ARC and the 701 Program. It identifies specific areas of code programs which need improvement and therefore provides valuable input for ARC's future planning efforts in housing preservation. It also gives local governments statements of direction to follow if they undertake the housing preservation planning efforts within their jurisdictions. HUD 701 requirements stipulate that in addition to the adoption of goals/policies for promoting neighborhood preservation, areawide plan-

¹⁸ Interview with Holly Mull, City of Atlanta Mayor's Office, Atlanta, Georgia, 25 January 1979.

¹⁹ The Temporary Housing Code Commission is composed of members from the City of Atlanta City Council, Law Department, Bureau of Buildings, Housing Appeals Board, Mayor's Office and the Atlanta Legal Aid Society as well as the public at large.

ning agencies should:

- Detail general strategies for [housing] rehabilitation, redevelopment and code enforcement [without designating specific neighborhoods].
- Offer legislative recommendations to further neighborhood preservation.
- Provide technical assistance, model housing codes, etc., to local governments and citizen groups.²⁰

Local Housing Code Programs meets these requirements and the report serves as documentation of such for ARC's 701 progress report.

The findings from the housing code survey in Local Housing Code Programs and the recommendations for housing code programs improvement provide data needed in ARC Housing Division's efforts to assess future planning needs in the area of neighborhood preservation. Local Housing Code Programs, as a monitoring device of housing code programs, reveals what is being done in housing code enforcement presently so that direction can be provided for future planning efforts. It has already been determined by ARC Housing staff that the information from the housing code report will provide input for the 1980 update of the Regional Housing Plan.²¹ The monitoring and subsequent planning efforts serve as means to promote the availability of safe and sanitary housing and preservation of the existing housing stock because it is through careful and

²⁰McFall, Housing Planning: How to Meet HUD's 701 Requirements, p.19.

²¹Interview with Emerson Bryan, 7 February 1979.

directed planning that these goals can be met.

This analysis shows that in design, Guidelines for the Development of Local Fair Housing Ordinances and Local Housing Code Programs in the Atlanta Region are valuable documents. They are both means, if used as suggested therein and in cooperation with other planning tools, by which to promote the goals of the Regional Housing Plan and to influence future housing policy directions in the Atlanta Region. However, in their planning efforts, public administrators must pay careful attention to the current economic, political and social climate and its effects on future policy development.

IV. Policy Implications

According to Thomas Dye, Americans have traditionally assumed that once a law is passed and money spent, the purpose of the law and the expenditure would be achieved. It has been assumed, he continues, that when a policy is adopted, money appropriated and programs organized, the effects of the policy are felt by society and they are those intended by the policy.¹ Realistically, in order for the maximization of the results of public policies, public administrators must consider and give attention to environmental concerns which serve as deterrents to the policy objectives.

The goal to provide maximum housing choice and opportunity is a concern already addressed in national legislation. As pointed out earlier in this paper, the national policies are commonly accompanied by local and state policies. Mere policy adoption, however, on any level only addresses the superficial aspects of discriminatory housing practices and does little to the solution of the problem. The importance of developing programs and activities which will aid in the implementation of the policies has been emphasized throughout the discussion on policy development in this paper. In the development of

¹Thomas Dye, Understanding Public Policy, 3rd ed., (Englewood Cliffs, New Jersey: Prentice Hall, 1978), p.5.

such programs, public administrators should pay close attention to the environmental factors which contribute to the housing situation which has developed over the period of this country's existence.

Racism, classism and economic deprivation are specific areas of concern which public administrators must grapple with in seeking solutions to combat discriminatory housing practices. These concerns dictate specific policy directions. A study conducted in June 1977 in Metropolitan Atlanta by the Atlanta Market Survey Project, a private non-profit housing research group provides valuable information on housing discrimination which can be used by public administrators in developing their policy directions.² The HUD financed study was conducted by pairing 20 Black and 20 white "testers" with matching incomes, job status, age, and sex to measure the extent of discrimination in housing in Metropolitan Atlanta. The testers visited eighty randomly selected (by computer) real estate offices seeking housing which was advertised in the May 14, 1977 Atlanta Journal/Constitution newspaper.³ Both rentals and sales were included. In 40 percent of the tests, it was found that racial discrimination or steering (the real estate practice of urging Black buyers to seek homes in mostly Black or transitional neighborhoods and urging white buyers to look

²The geographic area covered in the study includes Gwinnett, DeKalb, Fulton, Clayton, and Cobb Counties.

³Roger Mills, "Atlanta Market Survey Project," Press Release, Atlanta, n.d. (Mimeographed.), p.1.

for housing only in white areas) occurred.⁴ Roger Mills, the project director, explained that most often the discrimination was so subtle and sophisticated that even the Black testers were unaware that they had been discriminated against until the results of their visits were compared with those of white testers.⁵ The prevalence of housing discrimination in the Atlanta Area has been substantiated by the Atlanta Market Survey study. Because the participants in this study were from all income groups seeking housing at varied levels, the findings substantiate the need for attention to program efforts which will address discriminatory housing practices experienced by Blacks and other minorities regardless of their income levels or the pricing of the housing they seek. The study reinforces the need for a comprehensive approach to policy planning which combines the efforts of administrators to stabilize and improve housing opportunities with their attempts to specifically meet the needs of minorities as well as low/moderate income persons through affirmative housing efforts. Such a comprehensive approach is necessary for the success of any equal housing opportunity program.

Fair housing policy adoption is the legal framework needed to address the social and economic constraints experienced by minorities and low/moderate income persons in obtaining the housing they desire. However, affirmative housing programs especially designed to meet the needs of minorities

⁴Ibid., p.2. ⁵Ibid.

and low/moderate income residents are essential for successful implementation of the policy. Since the housing situation in jurisdictions throughout the Atlanta Region varies, it is important that local government officials assess their specific needs and address them through well thought out strategies. Table one gives a showing of the varied housing needs of the jurisdictions within the Atlanta Region. The variances in housing unit needs are commensurate with the varied approaches needed to address regional housing needs. If some jurisdictions have surpluses of units, they should work cooperatively with those jurisdictions which have unit deficits to provide housing opportunities for the region's residents. In order for such an approach to be beneficial, however, fair housing policies and accompanying action programs must be provided regionwide.

It is interesting to note that the jurisdictions which have adopted local ordinances have yet to develop accompanying programs to implement the policies set forth in their ordinances. Since the initiation of the ordinances was twofold - to address fair housing problems and to qualify for community development bonus points-it becomes questionable as to whether the development and adoption was a sincere effort to actually provide equal housing opportunity to the residents who have traditionally been deprived of such opportunities. It is the responsibility of entities such as ARC to provide policy direction (on an advisory basis) to these governments so that regardless of their original intent, the fair housing policies

TABLE 1

HOUSING UNIT NEED

County	1977 L/M* Units	1977 Other** Units	1977 Total Units	1980 L/M* Units	1980 Other** Units	1980 Total Units
Clayton	900	- 600	300	950	- 650	300
Cobb	2600	-1150	1450	2600	-1250	1350
***DeKalb	3200	- 800	2400	3150	-1050	2100
Douglas	650	50	700	700	50	750
***Fulton	10550	-2700	7850	9100	-2900	6200
Gwinnett	1900	- 250	1650	1950	- 350	1600
Rockdale	450	- 100	350	450	- 100	350
Total	20250	-5550	14700	18900	-6250	12650
***City of Atlanta	(10550)	(-1550)	(9000)	(9450)	(-1750)	(7700)

*Estimated deficit of adequate housing units available to low/moderate income households.

**Estimated deficit or surplus of adequate housing units available to upper income households. NOTE: negative numbers indicate surplus units.

***Fulton and DeKalb include City of Atlanta figures. City of Atlanta figures include both the Fulton and DeKalb parts of the City.

Source: Housing Unit Need 1977 and 1980. Atlanta Regional Commission, March 1978.

will benefit their residents as well as others who may migrate to the areas.

In the case of neighborhood preservation, there are very serious policy impacts that the goal to promote the preservation of the existing housing stock may have on low/moderate income persons. It is the responsibility of public administrators, in the use of housing code programs, to make sure that policies developed are used to stabilize and upgrade neighborhoods, not to chase out long time residents. In many cases low income residents are cited with housing code violations which are beyond their financial means to correct and very little financial assistance is available for them through public programs or private means. Situations such as this serve as excellent examples of how a policy has the potential to hurt one class while aiding another. If low-income owners are unable to make repairs they risk facing fines and in some instances they risk the loss of their property. The loss of property is especially prevalent in renter occupied multifamily units, where the maintenance and/or repair costs are more than the rent intake of the building and owners abandon them, rather than make the necessary repairs. As a result, the buildings are oftentimes purchased by middle and upper income persons who qualify for and obtain low-interest rehabilitation loans to bring the property up to code standards. When the property is rehabilitated, the middle and upper income persons either occupy it themselves or rent it for prices well out of the affordable range for low income persons. The exorbitant

rental prices are not the only obstacles to maximum housing choice low income residents are faced with. In most cases, according to the existing criteria of lending insititutions, they are not eligible for low-interest loans for property improvement. The example cited here serves as an illustration of the difficulties low income persons, both renters and property owners, are faced with in acquiring equal housing opportunities and in having accessibility to safe and sanitary housing. This illustration substantiates the urgent need for public administrators to seek solutions to the policy conflicts, which arise when particular policies, if strictly enforced, are in conflict with the overall goal, to improve the housing conditions for the region's residents, regardless of income or racial group.

Administrators must employ multifaceted programs in order to provide equal housing opportunities for residents of the Atlanta Region and to resolve housing policy conflicts. Especially needed are programs which will provide financial assistance expressly for low/moderate income persons to either purchase or rehabilitate property, thereby increasing their housing choices and opportunities. In addition, such financial assistance programs are aimed in the direction that administrators must take in providing comprehensive policy planning which is responsive to the segment of the population which needs assistance in obtaining improved housing conditions.

The aforementioned policy concerns emphasize that in order to provide for the betterment of housing conditions in the Atlanta Region, all housing policy efforts must be initiated

with the ultimate objectives to improve and maintain a quality housing environment and provide for maximum housing choice and opportunity in the region. It is the responsibility of public administrators to plan, implement and enforce policies, without regard to race, sex, ethnicity or class, which will contribute to the achievement of the overall goals.

V. Conclusion

As pointed out in this study, Guidelines for the Development of Local Fair Housing Ordinances and Local Housing Code Programs are means to provide a framework for the future development of detailed local policies which support the goals and objectives of the ARC Regional Housing Plan. In the development of housing policies, local governments oftentimes need such statements of direction to aid them in detailing appropriate implementation strategies to meet the regional housing goals and objectives. The jurisdictions interested in developing policies which will aid their communities by providing 1) for equal housing opportunity, 2) for the preservation of the existing housing stock and 3) for the availability of safe and sanitary housing, have in the two reports excellent means of technical assistance for the development of the appropriate policies. As already suggested, it is crucial that along with technical assistance from ARC, local governments either independently or in cooperation with other jurisdictions, develop programs and activities which are designed to specifically meet the needs of their constituents - all of them. As local governments develop, adopt and implement the suggested policies along with supportive programs and activities, the goals of the RHP are consequently addressed.

Unquestionably, Guidelines for the Development of Local

Fair Housing Ordinances and Local Housing Code Programs in the Atlanta Region are important segments of the continuous planning process necessary to implement the goals of the Regional Housing Plan, but singly they do not have the capacity to significantly alter the housing conditions of the Atlanta Region. The specificity of both reports, however, does provide local governments with valuable means which, when combined with other housing improvement programs and policies, can meet the goals of the RHP. For example, if a jurisdiction develops a fair housing ordinance, combines it with an affirmative marketing program and a housing development program which especially recognizes the needs of low and moderate income persons, there are then several entities working toward the goal of equal housing accessibility. Similarly, the combination of housing code programs with housing rehabilitation and redevelopment efforts has the makings of a comprehensive means with which to provide safe and sanitary housing to residents of the region while preserving the existing housing stock. Hence, in the evaluation of the reports' usefulness, it is apparent that the suggested strategies are most valuable when used in conjunction with other programs and policies also aimed toward the betterment of the housing conditions in the Atlanta Region.

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APPENDICES

APPENDIX A

APPENDIX A

Survey on the Utilization of Guidelines for the Development of Local Fair Housing Ordinances and Local Housing Code Programs in the Atlanta Region.

Fair Housing

1. Have you used Guidelines for the Development of Local Fair Housing Ordinances?
2. If yes, how was it used? If no, why not?
3. Has your jurisdiction adopted a fair housing ordinance?
- *4. If so, what type of publicity was given to the adoption of the ordinance?
5. Have you developed a systematic means to make the public aware of the ordinance's existence?
6. What type of enforcement mechanism is used in your ordinance?
7. Have any programs or activities been developed to support the adopted policies? If so, what are they?
8. Have you received any fair housing complaints since the policy was adopted? If so, how many?

*Questions four through eight were only asked if the answer to question three was yes.

Local Housing Code Programs

1. Have you used Local Housing Code Programs?
2. If yes, how was it used? If no, why not?
3. Do you anticipate using it in the near future? If so, have you already developed a basic strategy in which it will be useful?

APPENDIX B

dwellings except, under certain circumstances, single family homes sold or rented by the owner, and units in owner occupied dwellings containing living quarters for no more than four families; and

(e) Be sufficiently comprehensive in its prohibitions so as to be an effective instrument in carrying out and achieving the intent and purposes of the Act, i.e., the prohibition of the following acts if they are based on discrimination because of race, color, religion, or national origin:

(1) Refusal to sell or rent.

(2) Refusal to negotiate for a sale or rental.

(3) Making a dwelling unavailable.

(4) Discriminating in terms, conditions or privileges of sale or rental, or in the provision of services or facilities.

(5) Advertising in a discriminatory manner.

(6) Falsely representing that a dwelling is not available for inspection, sale, or rental.

(7) Blockbusting.

(8) Discrimination in financing.

(9) Denying a person access to or membership or participation in multiple listing services, real estate brokers' organizations, or other services.

PROVIDED, that a law may be determined substantially equivalent if it meets all of the criteria set forth in this section but does not contain adequate prohibitions with respect to one or more of the acts described in subparagraphs (7), (8), or (9) of this paragraph.

(f) In addition to the factors described in paragraphs (a), (b), (c), (d), and (e) of this section, consideration will be given to the provisions of the law affording judicial protection and enforcement of the rights embodied in the law. However, a law may be determined substantially equivalent even though it does not contain express provision for access to State or local courts.

APPENDIX C

APPENDIX C

GUIDELINES FOR THE DEVELOPMENT OF EFFECTIVE LOCAL FAIR HOUSING ORDINANCES

1. Local fair housing ordinances should be comprehensive in scope to include property owners, financial institutions, insurance companies, real estate brokers, real estate sales persons or any agent representing the above. (The ordinances should prohibit any discriminatory housing practices by the parties named above.)
2. Local fair housing ordinances should accommodate the creation of enforcement mechanisms to administer the laws and provide remedies or penalties for violations of the laws.
3. The enforcement mechanism for the ordinances should be designed to include explicit remedies for correcting violations with the primary remedy being to render decisions that will help complainants obtain the housing unit or financial arrangement desired. The mechanism should also have the ability to refer to the courts or proper governing bodies cases that require authority beyond that of the mechanisms.

4. Mechanisms which may be used individually or collectively to enforce local fair housing ordinances are:
 - a. Fair Housing Commission--Commission with representatives from the housing industry; financial institutions, insurance companies, real estate brokers and sales persons, local civil rights and fair housing groups and consumers.
 - b. Local Housing Court--Special municipal court designated to hear housing related cases.
 - c. Human Rights Commission--Commission developed to deal with housing and other human rights concerns.
5. Within the ordinances, the following items with regard to the enforcement mechanism(s) chosen should be clearly defined:
 - a. Duties
 - b. Meeting time
 - c. Staff composition
 - d. Complaint and appeal procedures
 - e. Extent of power
6. There should be in the ordinances a clear definition of unlawful practices.

7. Local fair housing ordinances should provide protection against the following at a minimum, if they are committed because of a person's race, sex, color, religion, or national origin:
 - a. Refusing to sell or rent to, deal or negotiate with an individual.
 - b. Discriminating in terms or conditions for buying or renting housing.
 - c. Discriminating through advertising or the media that housing is limited or available only to persons of a certain race, color, religion, sex or national origin.
 - d. Denying that housing is available for inspection, sale or rent when it really is available.
 - e. Unfair solicitation for profit--Persuading owners to sell their homes and leave their neighborhoods by telling them that persons of a certain race, color, religion, sex or national origin are moving into a given neighborhood.
 - f. Steering clients from purchasing or leasing property through false representation or misinformation about a given community and the use of scare tactics.
(Steering is a difficult violation to pinpoint because it deals with perceptions which are hard to prove or disprove.)

- g. Denying or making different lending terms or conditions for real estate loans by commercial lenders.
 - h. Denying to anyone the use of or participation in any real estate services, such as brokers' organizations, multiple listing services or other facilities related to the selling or leasing of housing.
8. Local fair housing ordinances should not require any posting of fees or bonds by a complainant.
 9. The limits of the physical jurisdiction should be clearly defined in the ordinances.
 10. There should be a safety clause included in the ordinances to insure that the validity of the complete law will not be questioned if one section is found to be invalid.
 11. The public should be made aware of the jurisdictions' adoption of fair housing ordinances and their content.

APPENDIX D

APPENDIX D

HOUSING CODE QUESTIONNAIRE

Jurisdiction: _____

Name of Respondent: _____

Address: _____

Phone: _____

Please answer each of the following questions to provide the Atlanta Regional Commission with information on your housing code enforcement program.

1. Does your jurisdiction have an adopted housing code?

No _____
Yes _____

2. If so, please indicate below the type of housing code used by your jurisdiction.

Southern Standard Housing Code _____
Uniform Housing Code _____
Basic Housing Code _____
Local Code _____
Other (please specify type of code) _____

3. What procedure is used to conduct housing code inspections?
(Check each response that applies.)

Respond to complaints only _____
Respond to property owner requests _____
Continuous organized enforcement program _____
Other (please explain) _____

4. Does your housing code enforcement program focus on:

New housing only _____
Existing housing only _____
Both _____

5. What is your average annual budget for housing code enforcement?

\$ _____

6. What is the source of these funds?

Federal Community Development Funds _____
Local Revenue _____
Other (please specify) _____

7. How many housing code inspectors do you currently employ?

Full-time _____
Part-time _____

8. What is the average caseload per day of an inspector?

1 - 5 _____
6 - 10 _____
11 - 20 _____
21 + _____

9. Do you feel that you have an adequate number of inspectors to meet the demands of your jurisdiction?

Yes _____
No _____

10. How many inspectors would you require to adequately meet the needs of your jurisdiction?

11. Once a citation is issued for housing code violations how much time is allocated for compliance?

60 Days _____
90 Days _____
120 Days _____
Other _____

12. Is there an appeal process?

Yes _____
No _____

13. Is there special consideration given to those property owners who are financially unable to execute the repairs within a specified time period?

No _____
Yes _____ (Indicate below the methods used)

Home repair service _____
Leniency in enforcing code _____
Grants-in-aid _____
Special loans _____
Other _____

14. Do you have a program to aid low and moderate income property owners or tenants who are displaced because of demolitions due to code enforcement?

Yes _____
No _____

If so, what program is used?

Grants-in-aid _____
Replacement housing _____
Low interest loans _____
Other _____

15. What process is used if property owners do not comply with citations issued within an allotted time period?

Court action _____
Lien on property _____
Jurisdiction makes repair, bills owner _____
Other _____

16. Are there separate housing code enforcement regulations for new and existing structures?

Yes _____
No _____

17. If data are available, please complete the following table:

HOUSING CODE ENFORCEMENT STATISTICS

	Number of Inspections	Number of Violations	Number of Compliances	Number of Demolitions
1970				
1977				

18. What recommendations would you make to improve the effectiveness of your housing code enforcement program?

			Ranking Order
More staff	_____	_____	_____
More funds	_____	_____	_____
Citizen input	_____	_____	_____
More assistance from courts		_____	_____
More public official support		_____	_____
Other	_____	_____	
All of the above	_____	_____	

(In ranking order, number the two recommendations most important to you.)

Additional comments:

APPENDIX E

Note: Tables 2, 3, and 4 were taken from Local Housing Code Programs in the Atlanta Region, Atlanta Regional Commission, October, 1978.

TABLE 2

HOUSING CODE PROGRAMS

Jurisdictions	PROGRAM PERSPECTIVE		
	Respond to Citizens Complaints	Respond to Property Owner Requests	Continuous Systematic Program
Acworth	X	X	
Atlanta	X	X	X
Austell	X		X
College Park			X
Conyers		X	
Decatur			X
Douglasville	X	X	X
East Point	X		X
Forest Park	X	X	X
Hapeville			X
Lake City	X	X	
Marietta	X	X	
Norcross*		X	
Palmetto			X
Pine Lake	X	X	
Smyrna		X	X
Snellville			X
DeKalb County	X	X	
Douglas County			X
Rockdale County			X

*Norcross does not have an adopted housing code program but does provide inspection of its housing stock when requested by property owners using Gwinnett County's Building Code.

**Lithonia has a housing code program, but the specifics of the program were not available.

TABLE 3
HOUSING CODE PROGRAMS
PROGRAM FOCUS

Jurisdictions	New Housing	Existing Housing	Both
Acworth			X
Atlanta			X
Austell			X
College Park			X
Conyers			X
Decatur		X	
Douglasville	X		
East Point		X	
Forest Park			X
Hapeville			X
Lake City			X
Marietta			X
Norcross			X
Palmetto			X
Pine Lake			X
Smyrna			X
Snellville			X
DeKalb County		X	
Douglas County			X
Rockdale County		X	

**Lithonia has a housing code program, but the specifics of the program were not available.

TABLE 4

JURISDICTIONS WITH SPECIAL
ASSISTANCE PROGRAMS

Jurisdiction	Grants -in-Aid	Low Interest Loans	Home Repair Service	Leniency in Enforc- ing Code	Replacement Housing
Atlanta	X	X	X	X	
Conyers	X			X	
Decatur	X	X	X	X	
East Point	X	X		X	X
Marietta	X	X			X
Norcross*	X			X	X
Rockdale County	X		X	X	X

*Norcross uses Gwinnett County's Building Construction Code as a tool in its CD program.

APPENDIX F

APPENDIX F

The following recommendations are those generated by housing code officials in the Atlanta Region as a result of the ARC housing code questionnaire.

Increase Funding

- Adequate budgets are necessary to provide salaries which will attract competent people who realize the importance of sensitive code enforcement programs and are capable of developing and sustaining such programs.
- The development of effective and sensitive programs dictates careful and continuous staff training for which sufficient money is required.
- Funds are needed to provide special assistance for low/moderate income property owners with special attention being given to elderly citizens with fixed incomes.

Additional Staffing

- Code enforcement programs need to be adequately staffed so that there is regular contact between neighborhood residents and program personnel. The contact may be through periodic inspections or other code related functions.

Citizen Input

- Citizens should be afforded the opportunity to have input into the makeup of local code programs.

More Assistance From Courts

- The courts should be available when legal support is needed in the code enforcement process.

More Public Official Support

- Public official support is needed to further the goals of code enforcement programs. If the reasons for housing code enforcement are communicated from public officials, it is likely that community support for code programs will increase.